

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KYLE LYDELL CANTY,

Plaintiff,

v.

KING COUNTY, *et al.*,

Defendants.

Case No. C16-1655-RAJ-JPD

ORDER TO SHOW CAUSE

Plaintiff Kyle Canty is currently confined at the King County Jail in Seattle, Washington where he is awaiting trial in King County Superior Court on charges of felony harassment and assault in the third degree. He has presented to this Court for filing a civil rights complaint under 42 U.S.C. § 1983 in which he alleges a series of claims, all apparently related to his ongoing criminal case. Specifically, plaintiff alleges that (1) the King County Prosecutor's Office filed charges against him without having probable cause, (2) the Seattle Police Department has engaged in misconduct by making up lies about him, (3) his speedy trial rights have been violated, (4) the prosecutor had him sent to Western State Hospital in retaliation for him taking his case to trial, (5) the prosecutor and the court have refused to allow him to subpoena witnesses, (6) the prosecutor and the court have refused to open his court proceedings to the

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1 public, and (7) the prosecutor and the court have prevented him from filing motions alleging
2 constitutional violations in the superior court. (*See* Dkt. 1-1 at 3, 5.)

3 Plaintiff identifies King County, the Seattle Police Department, the City of Seattle, and
4 the State of Washington as defendants in this action. (*See id.* at 1-3.) Though not entirely clear,
5 plaintiff appears to seek release from custody, dismissal of the criminal charges, and \$60 million
6 in damages. (*See id.* at 4.)


7 The claims which plaintiff asserts in his civil rights complaint are all inextricably
8 intertwined with his pending state court criminal proceedings. Generally, the federal courts will
9 not intervene in a pending state court criminal proceeding absent extraordinary circumstances
10 where the danger of irreparable harm is both great and immediate. *See Younger v. Harris*, 401
11 U.S. 37 (1971). Plaintiff's complaint does not reveal any extraordinary circumstances which
12 would justify this Court's intervention in his ongoing state court criminal proceedings.

13 Based on the foregoing, this Court hereby ORDERS as follows:

14 (1) Plaintiff shall show cause not later than ***thirty (30) days*** from the date on which
15 this Order is signed why this action should not be dismissed pursuant to 28 U.S.C.
16 § 1915(e)(2)(B) for failure to state a claim upon which relief may be granted in this civil rights
17 action. Plaintiff's failure to timely respond to this Order will result in a recommendation that
18 this action be dismissed.

19 (2) The Clerk is directed to send a copy of this Order to plaintiff.

20 DATED this 4th day of November, 2016.

21 
22 JAMES P. DONOHUE
23 Chief United States Magistrate Judge